

VZCZCXRO5872
OO RUEHDE
DE RUEHNR #1393 0881459
ZNR UUUUU ZZH
O 291459Z MAR 06
FM AMEMBASSY NAIROBI
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0624
INFO RUEHAD/AMEMBASSY ABU DHABI PRIORITY 0119
RUEHDS/AMEMBASSY ADDIS ABABA PRIORITY 8361
RUEHDR/AMEMBASSY DAR ES SALAAM PRIORITY 4588
RUEHDJ/AMEMBASSY DJIBOUTI PRIORITY 4082
RUEHKM/AMEMBASSY KAMPALA PRIORITY 1276
RUEHDE/AMCONSUL DUBAI PRIORITY 0073
RHMFIUU/CDR USCENTCOM MACDILL AFB FL PRIORITY
RHMFISS/CJTF HOA PRIORITY

UNCLAS NAIROBI 001393

SIPDIS

SENSITIVE
SIPDIS

E.O. 12958: N/A

TAGS: [PREL](#) [MAAR](#) [PHSA](#) [SO](#) [KE](#)

SUBJECT: KENYA AGREES TO TEMPORARY DETENTION OF SOMALI
PIRATE SUSPECTS AWAITING REPATRIATION

REF: A. (A) NAIROBI 1381

[1](#)B. (B) NAIROBI 1359

[1](#)C. (C) STATE 46195

[1](#)1. (SBU) Juliet Gicheru, Acting Head of the Legal Division, Ministry of Foreign Affairs (MFA), confirmed to poloff March 29 that Kenya consents to both the immediate transfer of Somali pirate suspects in Kenya and temporary detention of those suspects identified for repatriation to Somalia. Post received a Note Verbale from the MFA dated March 29 confirming Gicheru's remarks. The text of the Note follows at para 3.

[1](#)2. (SBU) COMMENT: Kenya has given its express consent for the temporary detention of those suspects who will be repatriated to Somalia. However, the Note is silent on the issue of temporary detention for those suspects who may subsequently be transferred to the U.S. for prosecution. Post plans to request clarification on this issue from the MFA via diplomatic note March 30. Our sense is that Kenya's consent to the transfer and detention of the suspects represents its appreciation of USG efforts to combat Somali piracy in the region, which makes it likely that Kenya will not object to short-term detention prior to movement to the U.S. However, given this rather gray area in Kenya's response, we should proceed with prudence. Should it be determined that there will be a need to hold suspects in Kenya prior to transfer to the U.S., we should flag this issue for the Kenyan authorities at the earliest possible opportunity to ensure that such an arrangement fits within their understanding of their commitment. END COMMENT.

[1](#)3. (U) Begin text:

The Ministry of Foreign Affairs of the Republic of Kenya presents its compliments to the Embassy of the United States of America and has the honor to refer to the latter's Note dated 23 March, 2006, informing of an attack by suspected Somali pirates against US naval vessels and personnel, and of their subsequent capture on 18 March, 2006 in international waters off the coast of Somalia.

The Ministry wishes to inform that the Government has considered the request, and has no objection to a specified number of armed and identified US officials on board a US aircraft landing in Kenya and immediately escorting the Somali suspects who would be arriving in US naval vessels around 28 March, 2006.

The Ministry further informs that the Government has also accepted to keep custody of a few Somalis to be returned to their country after screening.

The Ministry of Foreign Affairs of the Republic of Kenya avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

End Text.

BELLAMY